

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0240

## SENATE TAXATION COMMITTEE ENGROSSED NO. **SB69** - 1/20/98

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the filing of  
2 contractor's excise tax returns and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-46A-8 be amended to read as follows:

5 10-46A-8. The tax imposed shall be reported and paid ~~as in §§ 10-45-27 and 10-45-28~~  
6 pursuant to sections 2 and 3 of this Act upon the receipts received under the contract during the  
7 period.

8 Section 2. That chapter 10-46A be amended by adding thereto a NEW SECTION to read  
9 as follows:

10 Any person who is the holder of a contractor's excise tax license or is a contractor whose  
11 receipts are subject to contractor's excise tax in this state during the periods specified by this  
12 section shall make a return and remittance to the Department of Revenue on forms prescribed  
13 and furnished by the department in the following manner:

14 (1) Any person whose tax liability is one thousand dollars or more annually, shall file the  
15 return and remit the tax on or before the twentieth day of the month following each

1 monthly period;

2 (2) Any person whose tax liability is less than one thousand dollars annually, shall file the  
3 return and remit the tax on or before the last day of the month following each two-  
4 month period;

5 (3) Any person whose tax liability is one thousand dollars or more annually and who  
6 remits the tax by electronic transfer to the state, shall file the return and remit the tax  
7 on or before the last day of the month following each monthly period.

8 The secretary of revenue may grant an extension of not more than five days for filing a return  
9 and remittance. Unless an extension is granted, the person with the tax liability shall pay the  
10 penalty or interest as provided by § 10-59-6 if a return or remittance is not made on time.

11 Section 3. That chapter 10-46A be amended by adding thereto a NEW SECTION to read  
12 as follows:

13 The secretary of revenue may require or allow a return and remittance to be filed on a  
14 monthly, bimonthly, semiannual, or annual basis. The return and remittance is due the last day  
15 of the month following the reporting period. For any person issued a temporary or seasonal  
16 contractor's excise tax license, the return and remittance may be required at a time determined  
17 by the secretary. Section 10-59-6 applies to any return and remittance under the provisions of  
18 this section.

19 Section 4. That § 10-46B-7 be amended to read as follows:

20 10-46B-7. The tax imposed shall be reported and paid ~~as in §§ 10-45-27 and 10-45-28~~  
21 pursuant to sections 5 and 6 of this Act upon the receipts received under the contract during the  
22 period.

23 Section 5. That chapter 10-46B be amended by adding thereto a NEW SECTION to read  
24 as follows:

25 Any person who is the holder of a contractor's excise tax license or is a contractor whose

receipts are subject to contractor's excise tax in this state during the periods specified by this section shall make a return and remittance to the Department of Revenue on forms prescribed and furnished by the department in the following manner:

(1) Any person whose tax liability is one thousand dollars or more annually, shall file the return and remit the tax on or before the twentieth day of the month following each monthly period;

(2) Any person whose tax liability is less than one thousand dollars annually, shall file the return and remit the tax on or before the last day of the month following each two-month period;

(3) Any person whose tax liability is one thousand dollars or more annually and who remits the tax by electronic transfer to the state, shall file the return and remit the tax on or before the last day of the month following each monthly period.

The secretary of revenue may grant an extension of not more than five days for filing a return and remittance. Unless an extension is granted, the person with the tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is not made on time.

Section 6. That chapter 10-46B be amended by adding thereto a NEW SECTION to read as follows:

The secretary of revenue may require or allow a return and remittance to be filed on a monthly, bimonthly, semiannual, or annual basis. The return and remittance is due the last day of the month following the reporting period. For any person issued a temporary or seasonal contractor's excise tax license, the return and remittance may be required at a time determined by the secretary. Section 10-59-6 applies to any return and remittance under the provisions of this section.

Section 7. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full

- 1 force and effect from and after its passage and approval.

1    **BILL HISTORY**

2    1/13/98 First read in Senate and referred to Taxation. S.J. 33

3    1/17/98 Taxation Do Pass Amended, Passed, AYES 8, NAYS 0.

4    1/17/98 Scheduled for Committee hearing on this date.

5    1/17/98 Scheduled for Committee hearing on this date.

6    1/17/98 Taxation Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 65